

# Alliance for Nuclear Accountability

*A national network of organizations working to address issues of  
nuclear weapons production and waste cleanup*

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## Member Groups

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Columbia, SC

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Safety and Health, Inc.  
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Miamisburg, OH

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Of Native Americans  
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Albuquerque, NM

Tri-Valley CAREs  
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Western States Legal Foundation  
Oakland, CA

Women's Action for New  
Directions  
Arlington, MA

**To:** Dr. Jane R. Summerson, EIS Document Manager, Department  
of Energy

**From:** *Susan Gordon - SAC*  
Susan Gordon, Director, Alliance for Nuclear Accountability

**Date:** July 6, 2001

**Subject:** Comments to the Supplement to the Draft Environmental  
Impact Statement

The Alliance for Nuclear Accountability (ANA) is a national network of more than thirty local, regional and national organizations focused on issues of the weapons complex, including health effects from production and testing of weapons, waste management and cleanup at contaminated sites. We represent citizens living downstream and downwind of the Department of Energy nuclear weapons complex.

ANA would like to submit the following eight comments to address the shortcomings of the Supplemental Draft Environmental Impact Statement. As the only nuclear waste repository currently being considered, the Yucca Mountain Project will set a very important precedent for the assurance fair and open public processes. Thank you for this opportunity to comment.

**1. The schedule and location of the hearings to the Supplement to Draft Environmental Impact Statement Hearings (SDEIS) are too limited.** Yucca Mountain as a geological nuclear waste repository is a national program and there has been a great deal of national interest already. The transportation of the spent nuclear fuel and high level waste will pose great concern to many states. This Supplemental EIS should be presented in national public hearings as well as regional hearings throughout Nevada.

**2. Extend the comment period for the SDEIS to provide adequate time to incorporate previous reports.** The hearings are on the SDEIS. However, in order to thoroughly understand this document, you also need the Science & Engineering Report as well as the original Draft EIS. We request that there be an extension to the SDEIS and that accompanying the Final EIS there be a minimum 90-day period for comments.



- 3 **3. Important errors in data could have been corrected in this supplement, but were not.** The scope of the SDEIS should have been broader so that it addressed insufficiencies commented on at previous hearings on the DEIS, such as employment and population figures in Nye County, transportation of High Level Waste throughout the nation, and more.
- 4 **4. Insufficient Information To Make A Choice.** Under the National Environmental Policy Act, the Draft Environmental Impact Statement (DEIS) for the proposed Yucca Mt. Repository must show a "Proposed Action", (in this case, "to construct, operate and monitor, and eventually close a geologic repository at Yucca Mountain for the disposal of spent nuclear fuel and high-level radioactive waste") as well as alternatives. This Supplement is insufficient because it does not provide specific design alternatives for the Proposed Action. Instead, it describes a range of design features and operational parameters that could be combined to arrive at two alternative designs - "above boiling drift wall temperature" or "below boiling waste container surface temperature". Page 2-20 shows proposed use of an area that hasn't even been investigated yet.
- 5 **5. The DOE must have a final design choice to recommend the site to the President and Congress, as well as to apply for a license to the NRC. What is it?** According to the Nuclear Regulatory Commission (NRC), DOE must have a final design for the license application. The site recommendation is more important than the license application, because it is what the President will make his determination on whether or not to recommend Yucca Mt. to congress. The Final EIS must be as clear as the NRC license application, and must indicate a final design choice. This Supplement does nothing to achieve that.
- 6 **6. What about earthquakes at the outdoor "cooling" site?** Yucca Mountain is in the third most active earthquake zone in the U.S. In the SDEIS, the DOE considers aging (cooling) up to 4,500 dry storage casks of spent commercial fuel for up to 50 years on 200 acres of cement pad near the North Portal (pages 2-8; 3-7; figure 2-4). The Supplement does not consider the seismic risk for this facility. If it had to be licensed separately under NRC rules for "Independent Spent Fuel Storage Facility Installations" (10 CFR Part 72) it would probably fail.
- 7 **7. Store the waste before transporting it, not after.** Since fuel aging is part of the design, the fuel should be stored at the reactor sites for a minimum of 50-years. This would be a modification to the No-Action Alternative in the DEIS. It would reduce transportation hazards, and allow more time for responsible scientific research and review.
- 8 **8. Use of the Yucca Mountain site violates Western Shoshone Treaty.** Section 3.1.1 talks about how DOE would obtain "permanent control" of the land surrounding the repository site, yet makes no mention of how it plans to "own" that area. The area in question (in fact all of Yucca Mountain) is part of the Western Shoshone Nation, who opposes this project. The Nuclear Regulatory Commission requires DOE to prove ownership of the lands it plans to use, yet the DOE does not have ownership, only control.